10/518,196 <u>PATENT</u>

REMARKS

Pending Claims

In this application, claims 1, 3, 8-16 are currently pending. Entry of these amendments is respectfully requested.

Claim Objections

The Applicant has amended claims 8 and 16 to address objections to the claims.

Rejection under 35 U.S.C. §112

Claims 1 and 11 are amended to address the 112 rejection.

Art Rejections

The Examiner has rejected claims 1, 3 and 11 as being anticipated by or obvious in light of Pearson. In addition, the Examiner has rejected claims 8-10 and 16 as being obvious in light of a combination of Pearson and Weber and claims 8-10 and 12-16 as being obvious over Pearson combined with Gisselberg.

The Applicant respectfully submits that independent claims 1, 9, 10, 11 and 12 are patentably distinct over the cited art. As recited in the independent claims, a shaft defines a lumen and electrodes reside on the shaft. In Pearson, if element 18 is interpreted to be a shaft, then it does not define a lumen; if element 18 is an electrode then it is not on a shaft. The Applicant's lumen is useful and provides advantage for running electrical lines or a coolant feed line to the electrodes.

In addition, with regard to claims 9, 10 and 12, the prior art does not show an internal marker element in the form or a coating or in the form of a sleeve.

The Applicant respectfully requests reconsideration of the pending claims.

10/518,196 PATENT

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted, Celon AG By its attorneys:

Date: 10/22/08

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